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09/733,767	12/08/2000	Joseph Seamon	03801.P036	2954

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EXAMINER

THAI, HANH B

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/13/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/733,767

Applicant(s)

SEAMON, JOSEPH

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-18 and 20-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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This is in response to the amendment filed May 3, 2004.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed May 3, 2004 have been fully considered but they are not persuasive.

Applicant's arguments, "each category in the first plurality of categories is distinct from each category in the second plurality of categories", are contradict from the Specification Figure 5 the fact that "different hierarchies: 90, 92 and 94" contain the same category "Ford".

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-12, 14-18 and 20-29 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular, there is no support for the limitation "each category in the first plurality of categories is distinct from each category in the second plurality of categories."

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, 14-18, 20-23 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. (U. S. Patent no. 6,489,968) in view of Axaopoulos et al. (U.S. Patent no. 6,286,002).

Regarding claim 1, Ortega discloses a method of constructing a category structure within a database, the method including:

- defining a first structure of categories to classify a data item, the first structure including at least a first category (see col. 3, lines 12-18, Ortega). “first structure of categories” corresponds to “higher-level categories”.
- defining a second structure of categories of the data item (see col. 3, lines 21-28, Ortega), the second structure including at least a second category, wherein the second category is associated with the first category “second structure of categories” corresponds to “low-level categories” (see col. 7, lines 6-24, Ortega).

Ortega, however, does not explicitly disclose “the first category path including a first plurality of category and the second category path including a second plurality of categories, and each category in the first plurality of category is distinct from each category in the second

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plurality of categories". Axaopoulos, on the other hand, discloses two different navigation paths (paths 290 and 390, Fig. 4, Axaopoulos) that lead to the agents 250 and 350, and these agents can perform the searching of the same or different categories. Therefore, Axaopoulos discloses the limitation of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ortega to include an alternative path of the same data item as taught by Axaopoulos. The motivation of doing so would have been to improve search technique for consumers to express their desire for particular goods and services and to integrate those features with an improved communication system for supporting electronic commerce (see col. 3, lines 17-21, Axaopoulos).

Regarding claim 2, Ortega/Axaopoulos combination further discloses defining the first and second

structures of categories as respective first and second hierarchies of categories (see col. 3, lines 12-24 and col. 4, lines 43-45, Ortega).

Regarding claims 3 and 4, Ortega/Axaopoulos combination further discloses the first and second category is a leaf category of the first and second hierarchy of categories (see col. 4, lines 53-61, Ortega).

Regarding claim 5, Ortega/Axaopoulos combination further discloses defining the second category (C2, Fig. 1B) to point to the first category (C1, Fig. 1B, Ortega).

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Regarding claim 6, Ortega/Axaopoulos combination further discloses the second structure includes defining the second hierarchy such that navigation of the second hierarchy to locate data items classified as being attributed to the second category locates data items classified as being attributed to the first category of the first hierarchy (see col. 4, lines 43-52, Ortega).

Regarding claim 7, Ortega/Axaopoulos combination further discloses the data item is user classifiable under the first structure of categories (C2, Fig. 1B) and is not user-classifiable under the second structure of categories (C3, Fig.1B, Ortega).

Regarding claim 8, Ortega/Axaopoulos combination further discloses the data item is directly categorized as being within the first category of the first structure of categories and is indirectly categorized as being within the second category of the second structure of categories (see col. 4, lines 53-67 and Fig. 1B, Ortega).

Regarding claim 9, Ortega/Axaopoulos combination further discloses defining a category table including a category record for each category of the first and second structures of categories, each category record within the category table (see col.9, lines 59-62) including a category identifier, wherein a category record that describes the second category includes a category identifier (see col. 4, lines 20-23, Ortega) of a category record for the first category.

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Regarding claim 10, Ortega/Axaopoulos combination further discloses the data item is a database record describing any one of a group of products and services of a transaction facilitated by a network-based transaction facility (see col. 4, lines 23-33, Ortega).

Regarding claim 11, Ortega/Axaopoulos combination further discloses the network-based transaction facility is a network-based auction facility (see col. 3, lines 29-37, Ortega).

Regarding claim 12, Ortega/Axaopoulos combination further discloses defining a third structure of categories to provide a further alternative classification of the data item, the third structure including at least a third category, wherein the third category is associated with the first category of the first structure of categories (see col. 5, lines 34-45, Ortega).

Regarding claims 14 and 28, Ortega discloses a method of classifying a data item within a database, the method including:

- identifying a first category, of a first hierarchy of categories, attributed to a data item (see col. 1, lines 58-64, Ortega); and
- automatically attributing a second category, of a second hierarchy of categories, to the data item (see col. 4, lines 20-23, Ortega).

Ortega, however, does not explicitly disclose “the first category path including a first plurality of category and the second category path including a second plurality of categories, and each category in the first plurality of category is distinct from each category in the second plurality of categories”. Axaopoulos, on the other hand, discloses two different navigation paths

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(paths 290 and 390, Fig.4, Axaopoulos) that lead to the agents 250 and 350, and these agents can perform the searching of the same or different categories. Therefore, Axaopoulos discloses the limitation of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ortega to include an alternative path of the same data item as taught by Axaopoulos. The motivation of doing so would have been to improve search technique for consumers to express their desire for particular goods and services and to integrate those features with an improved communication system for supporting electronic commerce (see col. 3, lines 17-21, Axaopoulos).

Regarding claim 15, Ortega/Axaopoulos combination further discloses the first and second categories are associated within a description of categories within the database (see col. 4, lines 29-33, Ortega). "book title" is description of the book category.

Regarding claim 16, Ortega/Axaopoulos combination further discloses the first category is attributed to the data item by a user during a user classification operation and the second category is dynamically attributed to the data item during a user navigation operation of the second hierarchy of categories, wherein the dynamic attributing of the second category is performed by identification of an association between the first and second categories (see col. 4, lines 43-67 and col. 4, lines 20-33, Ortega).

Regarding claim 17, Ortega/Axaopoulos combination further discloses the first category is directly recorded within the database as being attributed to the data item and the second



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category is recorded as being linked to the first category within the database (see col. 4, lines 53-67, Ortega).

Regarding claims 18 and 26, Ortega/Axaopoulos combination further discloses the first and second categories are each leaf categories of the respective first and second hierarchies of categories (see col. 4, lines 59-67, Ortega).

Regarding claims 20-21 and 29, Ortega discloses a method of facilitating location of a data item within a database, the method including:

- facilitating user-navigation of a first category structure to select a first category (see col. 1, lines 34-50, Ortega);
- identifying a second category (Outdoors/Events/Olympics) of a second category structure as being linked to the first category (Books/Sports) of the first category structure (col. 1, lines 42-57); and
- identifying data items of the second category responsive to the selection of the first category of the first category structure (see col. 1, line 58 to col. 2, line 2, Ortega).

Ortega, however, does not explicitly disclose “the first category path including a first plurality of category and the second category path including a second plurality of categories, and each category in the first plurality of category is distinct from each category in the second plurality of categories”. Axaopoulos, on the other hand, discloses two different navigation paths

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(paths 290 and 390, Fig.4, Axaopoulos) that lead to the agents 250 and 350, and these agents can perform the searching of the same or different categories. Therefore, Axaopoulos discloses the limitation of the claimed invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ortega to include an alternative path of the same data item as taught by Axaopoulos. The motivation of doing so would have been to improve search technique for consumers to express their desire for particular goods and services and to integrate those features with an improved communication system for supporting electronic commerce (see col. 3, lines 17-21, Axaopoulos).

Regarding claim 22, Ortega/Axaopoulos combination further discloses the presenting of the at least one user interface comprises generating at least one markup language document (250, Fig. 2).

Regarding claim 23, Ortega/Axaopoulos combination discloses that any one of a group of navigation aids including a drop-down menu, a selection of check boxes, a selection of radio buttons, an embedded Java application and an embedded ActiveX control (see col. 5, line 57 to col. 6, line 3, Axaopoulos).

Regarding claim 27, Ortega/Axaopoulos combination further discloses the step of communicating the identified data items within a markup language document (250, Fig. 2) transmitted over a network (Fig. 2 of Ortega).

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4. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortega et al. (U. S. Patent no. 6,489,968) in view of Axaopoulos et al. (U.S. Patent no. 6,286,002), and further view of Wu et al. (U. S. Patent no. 6,381,607).

Regarding claims 24-25, Ortega/Axaopoulos combination discloses all of the claimed subject matter as discussed above, except Ortega/Axaopoulos does not disclose the first record includes a pointer to a second record within the category table describing the second category. Ouellette, however, discloses this limitation (see col. 6, lines 15-24, Wu). ). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ortega to include a pointer as taught by Wu. The motivation of doing so would have been to organize keys and indices to facilitate better retrieval of information from a catalog (see col. 2, lines 20-23, Wu).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brosda et al. (U.S. 5,873,087) disclose a computer system for storing data in hierarchical manner.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Thai  
Art Unit 2171  
June 30, 2004

  
**UYEN LE**  
**PRIMARY EXAMINER**